

**REMARKS**

Claims 1, 4, 5, 7, and 10-16 are pending in the application. Claims 2, 3, 6, 8, and 9 were previously withdrawn from consideration. Claims 1, 11 and 14 have been amended by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claims 11- 16 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent Publication No. 2001/0024278A1 (Yoshida); and claims 1, 4, 5, 7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida in view of the Applicant's Admitted Prior Art (APA). Reconsideration is respectfully requested.

***35 U.S.C. § 102 Rejections***

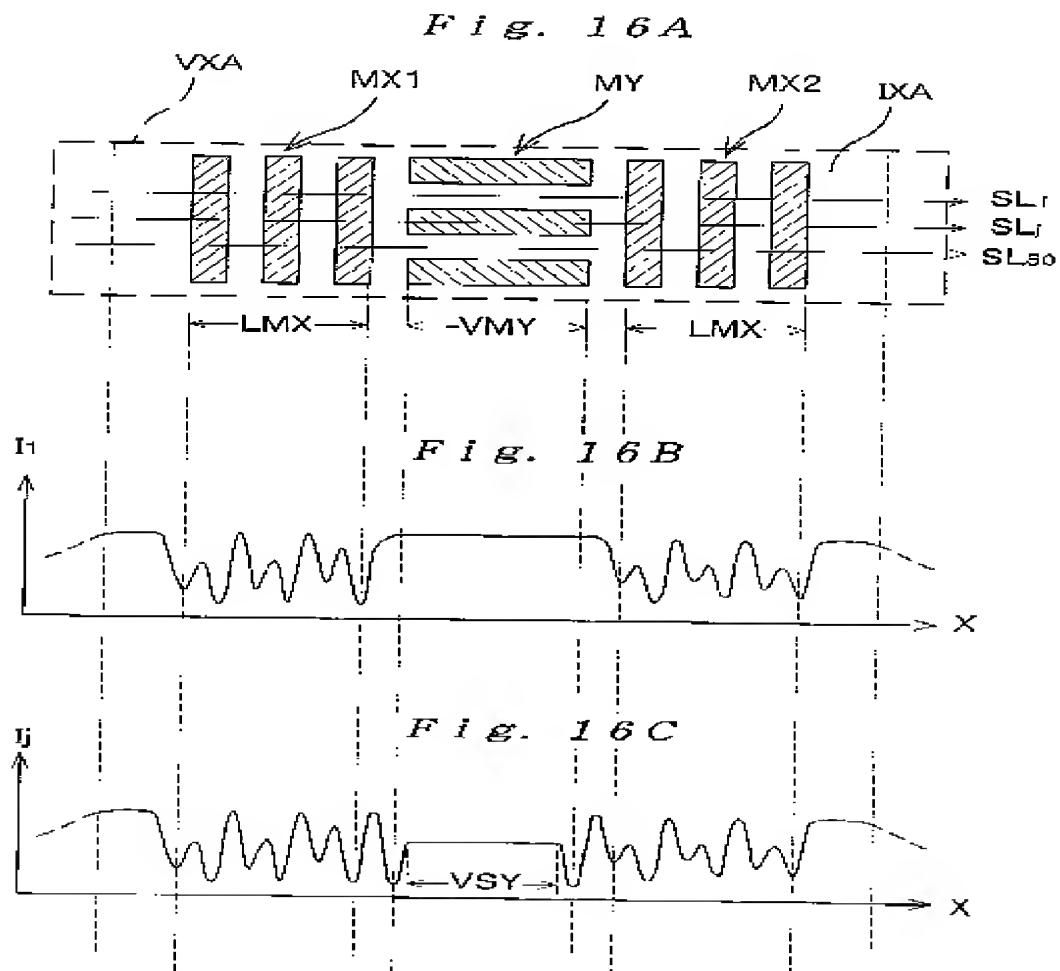
Claims 1, 4, 5, 7 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated Yoshida. Reconsideration is respectfully requested.

Claims 1, 11 and 14 have been amended to clarify the invention. In particular, claims 1, 11 and 14 have been amended to include the phrase: "having a width Z." In addition, claim 1 has been amended to recite:

wherein, when the width Z of the first alignment signal source and the second alignment signal source equals a width W of the X mark and the Y mark, respectively, a single point of the maximum received signal strength indicates a location of the center of each the X mark and the Y mark

Claims 11 and 14 have also been similarly amended. Support for the amendments is shown at least in FIGs. 7A-7C and provided at least in paragraphs [0028] to [0030] of the originally filed specification. Therefore, it is respectfully submitted that the amendment raises no questions of new matter.

Yoshida discloses a mark for detecting a two-dimensional position serving as a complex mark in which the mark *MX1* for detecting the *X*-position, the mark *MY* for detecting the *Y*-position, and the mark *MX2* for detecting the *X*-position are sequentially arranged, as shown in **FIG. 16A** below.<sup>1</sup> Further, Yoshida discloses, if obtaining the average of the signal intensity at the *X*-position in the individual scanning lines *SL<sub>i</sub>*, *SL<sub>j</sub>*, and *SL<sub>50</sub>* an approximately constant value between the signal intensity in the space portion and the signal intensity in the line portion continues in the mark signal area having the width *VSY* and corresponding to the mark **MY**, as shown in **FIG. 16D**.<sup>2</sup> That is, though Yoshida discloses a complex mark locating a segment of a *Y*-mark (**MY**) inside an *X* mark field area (**VXA**), it is respectfully submitted that



<sup>1</sup> *Id.* at **FIG. 16A**; and page 13 and paragraph [0169], lines 3-8.

<sup>2</sup> *Id.* at **FIG. 16A**; and page 14 and paragraph [0170], lines 15-24.

However, Yoshida nowhere discloses, as amended independent claims 1, 11 and 14 recite:

*wherein, when the width Z of the first alignment signal source and the second alignment signal source equals a width W of the X mark and the Y mark, respectively, a single point of the maximum received signal strength indicates a location of the center of each the X mark and the Y mark* (emphasis added).

That is, the APA nowhere discloses determining: “*a single point of the maximum received signal strength indicates a location of the center of each the X mark and the Y mark*” of an alignment mark,” in the case “*when the width Z of the first alignment signal source and the second alignment signal source equals a width W of the X mark and the Y mark, respectively,*” as recited in the amended claims 1, 11 and 14. Therefore, it is respectfully submitted that neither Yoshida does not disclose, anticipate or inherently teach the claimed invention and that independent claims 1, 11 and 14, and claims dependent thereon, patentably distinguish thereover.

### ***35 U.S.C. § 103 Rejections***

Claims 11 -16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida in view of the A.P.A. Applicant respectfully traverses the rejection.

At least for the reasons discussed above, Yoshida alone does not disclose the limitations of claims 11-16. The outstanding Office Action acknowledges other deficiencies in Yoshida and attempts to overcome these deficiencies with the APA. However, the APA cannot overcome all of the deficiencies of Yoshida, as discussed below.

The original specification discloses background art techniques for alignment marks in **FIG. 1A – FIG. 1C** and **FIG. 2** and descriptive paragraphs **[0003]** to **[0005]**. However, the background art or APA portions of the original specification nowhere discloses, as amended claims 1, 11 and 14 recite:

*wherein, when the width Z of the first alignment signal source and the second alignment signal source equals a width W of the X mark and the Y mark, respectively, a single point of the maximum received signal strength indicates a location of the center of each the X mark and the Y mark (emphasis added).*

That is, the APA nowhere discloses determining: “*a single point of the maximum received signal strength indicates a location of the center of each the X mark and the Y mark*” of an alignment mark,” in the case “*when the width Z of the first alignment signal source and the second alignment signal source equals a width W of the X mark and the Y mark, respectively,*” as recited in the amended claims 1, 11 and 14. Thus, it is respectfully submitted that the APA *cannot* overcome all of the deficiencies of Yoshida. Therefore, it is respectfully submitted that neither Yoshida nor the APA, whether taken alone or in combination do not disclose, suggest or make obvious the claimed invention and that independent claims 1, 11 and 14, and claims dependent thereon, patentably distinguish thereover.

### ***Conclusion***

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 09-0456, under Order No. 21806-00157-US from which the undersigned is authorized to draw.

Dated: February 29, 2008

Respectfully submitted,

Electronic signature: /Myron Keith Wyche/  
Myron Keith Wyche  
Registration No.: 47,341  
CONNOLLY BOVE LODGE & HUTZ LLP  
1990 M Street, N.W., Suite 800  
Washington, DC 20036  
(202) 331-7111  
(202) 293-6229 (Fax)  
Agent for Applicant